

**MINUTES
OF THE REGULAR MEETING OF THE
EDINA CITY COUNCIL
HELD AT CITY HALL
JULY 21, 2009
7:04 P.M.**

ROLLCALL Answering rollcall were Members Bennett, Brindle, Housh, Swenson and Mayor Hovland.

CONSENT AGENDA ITEMS APPROVED Motion made by Member Brindle and seconded by Member Housh approving the Council Consent Agenda.

Rollcall:

Ayes: Bennett, Brindle, Housh, Swenson, Hovland

Motion carried.

RECOGNITION RECEIVED – FAMILY CIRCLE AWARD TO EDINA Communications Director Bennerotte advised of the process used by *Family Circle Magazine* to designate Edina, Minnesota, as one of the top ten cities in which to raise a family. She described how this national recognition would be leveraged.

RESOLUTION NO. 2009-67 ADOPTED – APPRECIATION FOR CUB SCOUT PACKS 62 AND 123 Member Brindle introduced and moved adoption of Resolution No. 2009-67 appreciation for Cub Scout Packs 62 and 123. Member Bennett seconded the motion.

Ayes: Bennett, Brindle, Housh, Swenson, Hovland

Motion carried.

Mayor Hovland presented resolutions of appreciation to Cub Scout Packs 62 and 123 for clean-up efforts following the 4th of July parade.

PRESENTATION RECEIVED – HENNEPIN COUNTY SHERIFF RICH STANEK Sheriff Stanek and Lieutenant Dietzman updated the Council on Hennepin County Sheriff's Department enforcement and public service activities and advised that violent crimes were down by eight to nine percent in the first six months of 2009. Sheriff Stanek complimented Police Chief Siitari and his staff for their professionalism and assistance. The Council asked questions of Sheriff Stanek.

***MINUTES APPROVED – REGULAR MEETING OF JULY 7, 2009, AND WORK SESSION OF JULY 7, 2009** Motion made by Member Brindle and seconded by Member Housh approving the minutes of the Regular Meeting of July 7, 2009, and Work Session of July 7, 2009.

Motion carried on rollcall vote – five ayes.

***PUBLIC HEARING CONTINUED TO AUGUST 3, 2009 – PRELIMINARY PLAT APPROVAL – 5920 OAKLAWN AVENUE, TWO-LOT SUBDIVISION** Motion made by Member Brindle and seconded by Member Housh to continue the public hearing to August 3, 2009, for consideration of the preliminary plat approval of 5920 Oaklawn Avenue, two-lot subdivision.

Motion carried on rollcall vote – five ayes.

***AWARD OF BID – CONTRACT NO. ENG 09-8 WEST 70TH STREET AND METRO BOULEVARD** Motion made by Member Brindle and seconded by Member Housh awarding the bid for West 70th Street and Metro Boulevard mill and overlay: Contract No. ENG 09-8, Improvement Nos. BA-313, SS-430, STS-332, WM-461, TS-39 to the recommended low bidder, Northwest Asphalt, Inc. at \$179,155.62.

Motion carried on rollcall vote – five ayes.

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***AWARD OF BID – COMPACT PICK-UP TRUCK – UTILITY DEPARTMENT** Motion made by Member Brindle and seconded by Member Housh awarding the bid for a compact pick-up truck to the recommended low bidder, Thane Hawkins Polar Chevrolet at \$16,091.00.

Motion carried on rollcall vote – five ayes.

CHOWEN PARK GARDEN DENIED Park and Recreation Director Keprios presented the recommendation of the Edina Park Board to approve the YEA Corps' request on a one-year trial basis to use a 12-foot by 16-foot plot of land at Chowen Park to create a summer organic garden subject to six conditions.

The Council asked questions of Mr. Keprios and noted only five of the supportive petition signatures were from the Chowen Park block, and that three of the five were from the project sponsor or parents of participating youth. It was noted the consideration was for a one-year test to determine whether the use had community benefit. Mr. Keprios stated staff received many unique requests and tried to find ways to accommodate those requests when feasible.

Proponent Presentation

Mary Helen Franze, 5717 Chowen Avenue South, Executive Director of YEA Corps, addressed the Council in support of the summer organic garden project, noting this would be a nonprofit charitable fundraiser for YEA Corp and advised of contributions that had been received. She noted the properties on Drew Avenue that signed the petition share a back yard with Chowen Park. The Council asked questions of Ms. Franze and discussed the request.

Member Housh made a motion, seconded by Member Brindle, to approve the establishment of a 12-foot by 16-foot organic garden at Chowen Park subject to:

1. The garden will be allowed on a one-year trial basis.
2. The site must be well kept, clean and safe for all park users at all times.
3. YEA Corps must provide liability insurance that includes the City of Edina as an additional insured.
4. After one growing season, YEA Corps must make another formal request to be granted use of the site for the following year.
5. If denied the right to continue to use the space for a garden, YEA Corps must restore the site to its original grass condition at their own expense.
6. The YEA Corps was responsible for all of their own expenses including soils and materials needed to construct a garden.

The Council discussed the need to establish a policy to avoid case-by-case consideration of such issues. They noted the current request appeared to be a good program involving youth in a positive activity. However, the Council felt enough time was available before the 2010 garden season to create a policy able to address the current request and other community garden requests.

Ayes: Housh

Nays: Bennett, Brindle, Swenson, Hovland

Motion failed.

STUDENT APPOINTMENT APPROVED TO PLANNING COMMISSION Mayor Hovland made a motion, seconded by Member Housh, to appoint Karwehn Kata to the Planning Commission with a one-year term to start September 1, 2009.

Ayes: Bennett, Brindle, Housh, Swenson, Hovland

Motion carried.

RESOLUTION NO. 2009-64 ADOPTED – APPROVING THE 2009-2014 COMMUNITY HEALTH ASSESSMENT AND ACTION PLAN FOR CITY OF EDINA

City Sanitarian Engelman explained the requirement for a Community Health Assessment and Action Plan, noting it had been approved by the Community Health Committee. Karen Zeleznak, Bloomington Public Health Administrator, described State of Minnesota grant opportunities and presented documentation

related to the community health assessment, community engagement process, community health issues, and the action plan.

The Council asked questions of Ms. Zeleznak and Eileen O'Connell about available resources, which were limited, and the ability to meet established goals.

Member Swenson introduced and moved adoption of Resolution No. 2009-64 approving the 2009-2014 Community Health Assessment and Action Plan. Member Bennett seconded the motion.

Ayes: Bennett, Brindle, Housh, Swenson, Hovland
Motion carried.

***RESOLUTION NO. 2009-63 ADOPTED – AUTHORIZING SAFE AND SOBER GRANT AGREEMENT** Motion made by Member Brindle and seconded by Member Housh to adopt Resolution No. 2009-63 authorizing execution of the 2009 Safe and Sober Grant agreement.
Motion carried on rollcall vote – five ayes.

RESOLUTION NO. 2009-62 ADOPTED – ACCEPTING VARIOUS DONATIONS Mayor Hovland explained that in order to comply with State Statutes; all donations to the City must be adopted by Resolution and approved by four favorable votes of the Council accepting the donations. **Member Bennett introduced and moved adoption of Resolution No. 2009-62 accepting various donations.** Member Housh seconded the motion.

Rollcall:
Ayes: Bennett, Brindle, Housh, Swenson, Hovland
Motion carried.

***TRAFFIC SAFETY REPORT ACCEPTED – JULY 2, 2009** Motion made by Member Brindle and seconded by Member Housh to accept the traffic safety report of July 2, 2009.
Motion carried on rollcall vote – five ayes.

***RESOLUTION NO. 2009-65 ADOPTED – WATER AGREEMENT WITH CITY OF MINNEAPOLIS** Motion made by Member Brindle and seconded by Member Housh to adopt Resolution No. 2009-65 authorizing agreement with City of Minneapolis and City of Edina regarding water distribution and use in the Morningside area of Edina.
Motion carried on rollcall vote – five ayes.

***RESOLUTION NO. 2009-66 ADOPTED – SAFE ROUTES TO SCHOOL REPORT AND SIGNAGE PLAN** Motion made by Member Brindle and seconded by Member Housh to adopt Resolution No. 2009-66 adopting Edina schools speed zone study and signage plan.
Motion carried on rollcall vote – five ayes.

***JEDUNN, CONSTRUCTION MANAGEMENT AGREEMENT APPROVED – PUBLIC WORKS FACILITY** Motion made by Member Brindle and seconded by Member Housh to authorize the City Manager to sign a contract for construction management services with JEDUNN for the Edina Public Works Facility located at 7450 Metro Boulevard.
Motion carried on rollcall vote – five ayes.

COMMUNITY COMMENT

Wayne Carlson, 523 Coventry Lane, addressed the Council regarding the pet ordinance and suggested a requirement for a cat license and inclusion of a weight classification.

***CONFIRMATION OF CLAIMS PAID** Motion made by Member Brindle and seconded by Member Housh approving payment of the following claims as shown in detail on the Check Register dated July 9, 2009, and consisting of 23 pages: General Fund \$119,420.76; Communications Fund \$4,381.63; Working Capital Fund \$124,300.43; Art Center Fund

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\$4,727.57; Golf Dome Fund \$2,046.46; Aquatic Center Fund \$15,553.34; Golf Course Fund \$9,031.47; Ice Arena Fund \$48,960.94; Edinborough/Centennial Lakes Fund \$37,132.08; Liquor Fund \$214,649.16; Utility Fund \$260,213.17; Storm Sewer Fund \$8,373.51; PSTF Agency Fund \$8,729.07; TOTAL \$857,519.59 and for approval of payment of claims dated July 16, 2009, and consisting of 37 pages: General Fund \$378,269.13; Communications Fund \$15,953.25; Police Special Revenue \$6,309.58; Working Capital Fund \$4,811.67; Art Center Fund \$2,118.96; Aquatic Center Fund \$5,441.17; Golf Course Fund \$56,715.57; Ice Arena Fund \$3,148.46; Edinborough/Centennial Lakes Fund \$12,119.53; Liquor Fund \$248,842.45; Utility Fund \$458,518.94; Storm Sewer Fund \$12,698.82; Recycling Fund \$37,077.90; PSTF Agency Fund \$1,767.80; TOTAL \$1,243,593.23.

Motion carried on rollcall vote – five ayes.

There being no further business on the Council Agenda, Mayor Hovland declared the meeting recessed to a closed session to consider pending litigation with JMS at 8:26 p.m.

Respectfully submitted,

Debra A. Mangen, City Clerk

Minutes approved by Edina City Council, August 3, 2009.

James C. Hovland, Mayor

Video Copy of the July 21, 2009, meeting available.